IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 363 of 1997()

CRA.369/1994 of II ADDL.SESSIONS COURT, ERNAKULAM
CC.316/1991 of JUDL.MAGISTRATE OF FIRST CLASS-II, MUVATTUPUZHA

.....

REVN. PETITIONER/APPELLANT/ACCUSED:

PAREETH, SON OF KUNJUNJU,
PANNAPALA VEEDU, KOOMPAMPARA KARA,
MANNAMKADAM VILLAGE.

BY ADV. SRI.S.RAJEEV.
SRI.S.RAJEEV

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, POTHANICADU
(CRIME NO.37/91 OF POTHANICADU POLICE STATION)

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.363 of 1997

Dated, this the 6th day of December, 2006

ORDER

V.K.Bali,C.J.(Oral)

The petitioner along with his co-accused was tied for offences under Sections 114 and 324 read with Section 34 of the Indian Penal Code. Whereas co-accused (A2) was acquitted petitioner was held guilty and sentenced to undergo rigorous imprisonment for six months for offence under Section 324 IPC, vide order dated 20th September, 1994 passed by the Judicial I Class Magistrate-II, Muvattupuzha. The appeal preferred against the order aforesaid was dismissed by the learned II Additional Sessions Judge, Ernakulam vide order dated 20th February, 1997. It is against these two orders that the present revision has been filed.

2. The learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1991 and in the manner aforesaid the petitioner has already undergone agony of a protracted trial

spanned over a period of more than 15 years and that the petitioner may not be sent to serve a jail term at this distance of time.

3. In totality of the facts and circumstances of this case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioner is rather asked to pay a fine of Rs.3000/- instead of undergoing the jail term. Ordered accordingly. If the fine is realised the same would be made over to the injured Allu (P.W.1). In case the fine as mentioned above is not paid the petitioner would undergo the sentence as imposed by the courts below.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

vns